

1 (Whereupon, commencing at 11:08 a.m., the following
2 further proceedings were had in open court, outside the
3 presence of the jury, to wit:)

4 THE COURT: Would you call down again, Mr. Jackson,
5 and see how much longer it's going to be?

6 (Pause.)

7 THE COURTROOM DEPUTY: They are on their way up,
8 Judge, right now.

9 THE COURT: Thank you.

10 (Pause.)

11 MS. GELERNT: Your Honor, may we go in the back for
12 a moment?

13 THE COURT: No. Bring him out.

14 (Defendant enters the courtroom at 11:13 a.m.)

15 THE COURT: Please be seated, everyone. Remain
16 seated during the appearances.

17 All right, Mr. Jackson, call the case and we'll take
18 the appearances.

19 THE COURT: Criminal cause for trial, Docket Number
20 19-CR-4, USA versus Watson.

21 Counsel, please state your appearances for the
22 record.

23 MR. DONOGHUE: For the United States, Richard
24 Donoghue, R-I-C-H-A-R-D D-O-N-O-G-H-U-E, and Francisco
25 Navarro, F-R-A-N-C-I-S-C-O N-A-V-A-R-R-O.

1 Your Honor, I would also note that at the table we
2 have FBI Special Agent Shane Oravsky, S-H-A-N-E O-R-A-V-S-K-Y.

3 Good morning, Your Honor.

4 THE COURT: Good morning.

5 For the defense?

6 MR. YASTER: Federal Defenders by Benjamin Yaster.
7 That's B-E-N-J-A-M-I-N Y-A-S-T-E-R, on behalf of Ronell
8 Watson, R-O-N-E-L-L W-A-T-S-O-N, who is seated to my left.
9 Good morning.

10 THE COURT: Good morning.

11 MS. GELERNT: Good morning, Your Honor. Federal
12 Defenders by Michelle Gelernt, M-I-C-H-E-L-L-E, last name is
13 G-E-L-E-R-N-T.

14 MR. PADDEN: And also for the Federal Defenders,
15 Your Honor, Michael Padden, M-I-C-H-A-E-L P-A-D-D-E-N. Good
16 morning.

17 THE COURT: Good morning.

18 The Court has received the following note:
19 Honorable Judge, We, the jury, have reached a verdict. We
20 would also like to inquire if the names of the jurors will be
21 made public and/or be public record, and, if so, if there is
22 an option for it not to be published publicly. Thank you.
23 Signed by the jury foreperson.

24 I have marked that as Exhibit 8.

25 (Court's Exhibit 8 so marked.)

1 THE COURT: I have prepared a response, Exhibit 8-A,
2 which reads as follows: William F. Kuntz, II, United States
3 District Judge, in response to the jury's note, which has been
4 marked as Court Exhibit 8, the Court advises the jury the
5 names of the jurors are not publicly available and will never
6 be made public or publicly available. The names of the jurors
7 are known only to the Court and the counsel of record. The
8 Court hereby orders all counsel of record and all parties to
9 this action to maintain forever the confidentiality and the
10 names of the jurors and it never to make the names of the
11 jurors public or publicly available. So ordered. The
12 Honorable William F. Kuntz, II, United States District Court,
13 July 17, 2019.

14 Any objection to Court A -- the Court 8-A, being
15 sent into the jury room?

16 MR. DONOGHUE: Not from the Government, Your Honor.

17 THE COURT: Any objection from the Federal Defenders
18 to Court 8-A being sent into the jury room?

19 MS. GELERNT: Your Honor, if we may just have a
20 moment?

21 THE COURT: We have copies of the document for both
22 sides to see. You can give them Court 8 and Court 8-A.

23 (Pause.)

24 MS. GELERNT: Your Honor, we have no objection.

25 (Court's Exhibit 8-A so marked.)

1 THE COURT: All right. Would you please give Court
2 8-A to the Court security officer to be taken in to the jury,
3 please? And then come right back.

4 (Pause.)

5 (Court's Exhibit 2-A so marked.)

6 THE COURT: The Court has also received from the
7 court security officer the following document: Court
8 Exhibit 2-A, verdict reached, which reads as follows: Judge
9 Kuntz, We, the jury, have reached a unanimous verdict. The
10 foreperson of the jury has signed that verdict sheet and will
11 bring that verdict sheet with him or her into the courtroom
12 marked as Court Exhibit 3-A to be announced in court when we
13 are brought back to the court by the court security officer.
14 The foreperson has signed and dated the form.

15 Should I bring the jury in, Government?

16 MR. DONOGHUE: Yes, sir.

17 THE COURT: Defense counsel?

18 MS. GELERNT: Yes, Your Honor.

19 THE COURT: All right.

20 Would you please, Michael, tell the court security
21 officer that he should bring in the jury, and he can give the
22 lawyers copies of Court 2-A.

23 MS. GELERNT: Your Honor, do you want Mr. Watson to
24 stand or sit --

25 THE COURT: Sit.

1 MS. GELERNT: Okay.

2 THE COURT: I want everybody to remain seated when
3 the jury comes in, and I want everybody to have their cell
4 phones stored, as they say in the airline business.

5 (Pause.)

6 THE MARSHAL: All rise.

7 (Jury enters.)

8 (Court's Exhibit 3-A so marked.)

9 THE COURT: Welcome back, ladies and gentlemen of
10 the jury. I understand you have reached a verdict. I'm going
11 to ask the foreperson of the jury to read the verdict out
12 loud.

13 Ladies and gentlemen of the jury, you may be seated.

14 Foreperson, I would like you to stand, keep your
15 voice up, and read the verdict out loud.

16 Counsel, everyone, please sit down.

17 Go ahead.

18 JURY FOREPERSON: We, the jury, in the
19 above-captioned case hereby render the following verdict:

20 Roneil Watson.

21 Count One: Attempted murder of a federal officer.
22 Guilty.

23 Count Two: Assault of a federal officer.
24 Guilty.

25 Did the defendant use a deadly or dangerous weapon

1 to commit the assault?

2 Yes.

3 Did the defendant inflict bodily injury?

4 Yes.

5 Count Three: Using and possessing a firearm during
6 and in relation to a crime of violence.

7 Guilty.

8 Did the defendant use, carry, or possess a firearm
9 in connection with the underlying crime charged in Count One?

10 Yes.

11 If yes, did the defendant discharge the firearm in
12 relation to the underlying crime charged in Count One?

13 Yes.

14 Did the defendant use, carry, or possess a firearm
15 in connection with the underlying crime charged in Count Two?

16 Yes.

17 If yes, did the defendant discharge a firearm in
18 relation to the --

19 THE COURT: Keep going.

20 JURY FOREPERSON: Yes.

21 If yes, did the defendant discharge a firearm in
22 relation to the underlying crime charged in Count Two?

23 Yes.

24 THE COURT: Thank you. Will you please hand me --
25 sir, thank you very much, appreciate it -- the verdict sheet,

1 which has been marked previously as Court Exhibit 3-A? I'm
2 now going to poll the jury members individually; I'm going to
3 call you by number.

4 Juror No. 1, is this your verdict on all counts?

5 JUROR NO. 1: Yes.

6 THE COURT: Juror No. 2, is this your verdict on all
7 counts?

8 JUROR NO. 2: Yes.

9 THE COURT: Juror No. 3, is this your verdict on all
10 counts?

11 JUROR NO. 3: Yes.

12 THE COURT: Juror No. 4, is this your verdict on all
13 counts?

14 JUROR NO. 4: Yes.

15 THE COURT: Juror No. 5, is this your verdict on all
16 counts?

17 JUROR NO. 5: Yes.

18 THE COURT: Juror No. 6, is this your verdict on all
19 counts?

20 JUROR NO. 6: Yes.

21 THE COURT: Juror No. 7, is this your verdict on all
22 counts?

23 JUROR NO. 7: Yes.

24 THE COURT: Juror No. 8, is this your verdict on all
25 counts?

1 JUROR NO. 8: Yes.

2 THE COURT: Juror No. 9, is this your verdict on all
3 counts?

4 JUROR NO. 9: Yes.

5 THE COURT: Juror No. 10, is this your verdict on
6 all counts?

7 JUROR NO. 10: Yes.

8 THE COURT: Juror No. 11, is this your verdict on
9 all counts?

10 JUROR NO. 11: Yes.

11 THE COURT: Juror No. 12, is this your verdict on
12 all counts?

13 JUROR NO. 12: Yes.

14 THE COURT: Ladies and gentlemen of the jury, I want
15 to thank you and all the parties to this action and all the
16 counsel to this action and the court staff and the public and
17 this great republic of ours, I want to thank you for your duty
18 and your service. I know this was difficult; I know this was
19 hard. I practiced law in New York for 33 years before
20 becoming a judge eight years ago. I know this tears at many
21 of you, not only because I saw the diligence with which you
22 followed this case, but I can see it in your faces, in your
23 eyes, in your body postures. I know how dedicated you are to
24 the rule of law. I know how hard this is, and I want you to
25 know that I know how hard this is and how hard this has been

1 for all of you.

2 I cannot thank you enough on behalf of the people of
3 the United States, on behalf of our citizens, on behalf of the
4 rule of law. It is magnificent, but it is imperfect, but you
5 know, having gone through this, that justice was done here,
6 because you battled to get to the truth and to render a true
7 and just verdict. As I told you in the beginning, this would
8 be a hard but important task for each of you. I know that the
9 lawyers, if given the opportunity, would thank you
10 individually and collectively for your fine work, and I want
11 to give a particular acknowledgment and a particular shout-out
12 to the alternates who also served who sat and waited. Do not
13 think that you were not appreciated, that you were not
14 acknowledged every bit as much as the 12 who are closer to me
15 right now, but none of you is far from my heart and the heart
16 and soul of all of the participants. This is what our justice
17 system is, ladies and gentlemen. It is hard, it is focused,
18 but you have done it.

19 I want to thank you, I want to say God bless you,
20 each and every one of you. You are discharged now with the
21 thanks of the Court. You will return to the second floor jury
22 room and you will be guided by the knowledge that you have
23 advanced the cause of equal justice under law. You leave with
24 my thanks and my appreciation and, truly, my humble gratitude
25 to you. God bless you and keep you.

1 We're adjourned. Thank you.

2 (Jury exits.)

3 THE COURT: Thank you, you may be seated.

4 And, ladies and gentlemen, you who are the
5 alternates, you are also excused now, thank you, back down to
6 the second floor, with the thanks of the Court and all of my
7 appreciation for your service as well.

8 (Alternate jurors exit the courtroom.)

9 THE COURT: All right. The jurors and the
10 alternates have left the courtroom.

11 Do we have any motions or any procedural issues to
12 address? In a few minutes, I will have copies made of the
13 verdict sheet that's been signed by the jury foreperson, sheet
14 3-A, and I will make them available to all counsel of record,
15 so I will ask everyone to sit tight after we have whatever
16 motions we have.

17 Any motions?

18 MR. DONOGHUE: Not from the Government, Your Honor.

19 THE COURT: Any motions?

20 MS. GELERNT: Your Honor, we would ask for
21 additional time to file our motions in writing.

22 THE COURT: How much?

23 MS. GELERNT: I guess the statute allows for two
24 weeks. If we could have four weeks, Your Honor.

25 THE COURT: Granted, four weeks. So let's get a

1 date on that. Take a look at your calendars.

2 MS. GELERNT: Sure.

3 Your Honor, August 14th would be 28 days.

4 THE COURT: What is that day of the week,
5 Mr. Jackson?

6 THE COURTROOM DEPUTY: Repeat that date, please.

7 THE COURT: August 14th.

8 THE COURTROOM DEPUTY: That's a Wednesday.

9 THE COURT: You don't want Wednesday, you want the
10 Friday, right?

11 MS. GELERNT: That's fine, Judge.

12 THE COURT: What is the Friday?

13 THE COURTROOM DEPUTY: 16th.

14 THE COURT: August 16th, you have it.

15 How much time to respond, Mr. Donoghue? What do you
16 want?

17 MR. DONOGHUE: Can I have just one moment, Your
18 Honor?

19 THE COURT: Sure.

20 (Pause.)

21 MR. DONOGHUE: Your Honor, could we have a response
22 on September 13th, Friday?

23 THE COURT: September 13th. Friday, the 13th, you
24 have it.

25 MR. DONOGHUE: Thank you.

1 THE COURT: You're welcome.

2 Would you like a reply?

3 MS. GELERNT: Yes, Your Honor.

4 THE COURT: How many weeks?

5 MS. GELERNT: I guess two weeks for the reply, Your
6 Honor.

7 THE COURT: What does that take us to, Mr. Jackson?

8 THE COURTROOM DEPUTY: 27th of September.

9 THE COURT: 27th of September, is that acceptable?

10 MS. GELERNT: Yes, Your Honor.

11 MR. DONOGHUE: Yes, sir.

12 THE COURT: All right. Now, is there anything else
13 we need to address today? Anything from the Government?

14 MR. DONOGHUE: Not from the Government, Your Honor.

15 THE COURT: Anything else from defense counsel?

16 MS. GELERNT: Just one moment, Your Honor.

17 THE COURT: Of course.

18 (Pause.)

19 MS. GELERNT: Your Honor, I don't believe the Court
20 addressed this, but we would ask for permission, if the jurors
21 are willing to speak to us, to speak to them.

22 THE COURT: Permission is denied.

23 Anything else?

24 MR. DONOGHUE: No, sir.

25 THE COURT: Anything else?

1 MS. GELERNT: No, Your Honor.

2 THE COURT: Okay. Why don't you sit tight,
3 everyone, and we will get copies of the signed verdict sheet
4 to counsel, okay? Again, mindful of the requirement that the
5 names of the members of the jury are forever to be maintained
6 nonpublic. Okay?

7 MR. DONOGHUE: Your Honor, on that point, I would
8 note that the jury foreman signed each of the notes that came
9 from the jury. I assume the Court's going to have a redacted
10 version that is part of the record.

11 THE COURT: Your assumption is well-founded --

12 MR. DONOGHUE: Thank you, sir.

13 THE COURT: -- because that is exactly what we are
14 going to do.

15 MR. DONOGHUE: Thank you.

16 THE COURT: You're very welcome.
17 Anything else?

18 MR. DONOGHUE: No, sir.

19 MS. GELERNT: Your Honor, I guess just along those
20 lines, the original jury selection, I don't believe was
21 sealed.

22 THE COURT: Well, it's sealed now. And its sealing
23 applies both to the lawyers and to the parties, and I assure
24 there's not going to be a problem, because if there's a
25 problem, there's going to be a problem; are we clear on that?

1 MS. GELERNT: That's understood completely, Your
2 Honor.

3 THE COURT: Good.

4 MS. GELERNT: It's just that they were already
5 produced, and I just wanted to make sure it was sealed on the
6 record and the docket itself.

7 THE COURT: Okay, we'll seal it for the record, and
8 I appreciate you calling that to the attention of the Court
9 and of all members of the public and of all counsel, because
10 it will be a very bad hair day should those names get out,
11 very bad, very bad.

12 Anything else?

13 MR. DONOGHUE: Not from the Government, Your Honor.

14 MS. GELERNT: No, Your Honor.

15 THE COURT: Okay.

16 Michael, would you be good enough to make -- I think
17 we should start the redaction process now with respect to the
18 jury foreperson's name. You can just, in the photocopying
19 process, just block out the jury foreperson's name on the
20 copies that will be provided to Counsel so there's no accident
21 so we don't have any problems. In fact, I will probably --
22 again, that's just a copy, we are going to have the original
23 with the name, because it's important to have the original
24 on -- handled. Okay?

25 THE CLERK: Got it.

1 THE COURT: Thank you.

2 THE CLERK: Thank you, Judge.

3 THE COURT: I move very slowly. You can remain
4 seated. Relax. Just take your time.

5 THE CLERK: Thank you, Judge.

6 (Pause.)

7 THE COURT: May I have the original, please?

8 THE CLERK: Yes.

9 THE COURT: Let's go back on the record.

10 I have what has been marked as Court Exhibit 3-A,
11 the verdict sheet, and we've redacted the signature of the
12 jury foreperson on the copies that will now be provided to
13 counsel, but we do have copies for counsel of the verdict
14 sheet as announced in court, and I've polled the jury, of
15 course.

16 How many copies would each side like of Court 3-A?
17 For the Government, how many copies do you want?

18 MR. DONOGHUE: Two, if you have them, Your Honor.

19 THE COURT: We have them.

20 Defense counsel, how many copies would you like?

21 MS. GELERT: I suppose, if you have them, three,
22 we'll take them, but --

23 THE COURT: We have three, Counsel. We are very
24 generous with the copies of such a just verdict, and we have a
25 copy for the court reporter as well.

1 Madam Reporter (handing).

2 And before we adjourn, I want to say this to counsel
3 of record. This is the first time I've had the pleasure of
4 having the lawyers who tried this case try a case before me.
5 I've interacted with you in other capacities; this is the
6 first time we've had a trial. This experience has convinced
7 me of the wisdom of my decision to become an Article III judge
8 because I couldn't match your skill and your vigor as
9 advocates, and I'm glad I never had to try a case against any
10 of these guys. You tried the case incredibly well, with
11 incredible discipline and professionalism, and I know there's
12 a lot of passion on both sides of this case, and one of the
13 things that I find impressive about our profession as lawyers
14 and judges is the skill and the competence, as you juggled
15 your many competing duties, that each of you has both
16 personally and professionally to try a case like this.

17 I bored you in some of the pretrial proceedings we
18 had with war stories, I will now bore you with another one,
19 and then I will discharge you with the thanks of the Court and
20 my acknowledgment.

21 We had a case here, a number of years ago now, where
22 defendant ultimately pled guilty in the case to the murder
23 overseas of one of our American diplomats, and one of the
24 people who survived that attack was his best friend who was a
25 United States Marine attache, and after the trial was over,

1 the survivor of the attack and the family of the gentleman who
 2 had been killed asked if they could come to chambers to
 3 express their appreciation of the proceedings -- it hadn't
 4 gone to a full trial, there had been a plea, but there had
 5 been a number of pretrial proceedings and so forth -- and I
 6 checked with the other side, they didn't have any problem with
 7 that, the case was over, and I said sure. And the family was
 8 very grateful. I said, I just did the best I could as a trial
 9 judge, and I said to the marine who had survived the attack, I
 10 said, I have a question for you. And he said, What's your
 11 question, Judge? I said, Well, you were in country, you were
 12 with your best friend, you saw him murdered. You, yourself,
 13 were almost killed, you were shot up pretty badly, you've just
 14 gone through several weeks, months -- actually years
 15 leading up to the proceedings, but many weeks of pretrial
 16 proceedings -- what do you think of that? You're a soldier.
 17 What do you think of what you've been through in this judicial
 18 part of it? And this marine looked at me -- this man had been
 19 shot, almost killed -- and he said, Judge, that's what I'm
 20 fighting for. I'm fighting for the right of that defendant
 21 who killed my best friend overseas and who almost killed me,
 22 I'm fighting for his right to have fair and impartial
 23 proceedings before you or another federal judge. He said,
 24 that's what I put my life on the line for. He said, I don't
 25 ever want to be a soldier in a country where when you catch

1 the guy who killed your best friend, when you catch the guy
2 who almost killed you, you say, up against the wall, and you
3 shoot him. He says, when you are in a war and you are
4 fighting soldiers, that's one thing, but when that man was
5 captured and he had every single protection that the American
6 judicial system provides, he says, that's why I put my life on
7 the line.

8 I never wanted to kiss a male Marine more in my
9 life, I resisted the urge, but what I really wanted to do was
10 to bottle his heroism and his true patriotism, and I see that
11 spirit reflected in this courthouse, and I saw it reflected in
12 this courtroom in this trial, and I cannot be more grateful to
13 you, Counsel, on both sides, and I cannot be more convinced of
14 the wisdom that I had in getting the hell out of the trenches
15 and putting on the black prom dress to be a judge.

16 So with that, you are discharged with the thanks of
17 the Court. I look forward to your post-trial submissions and
18 I look forward to having you appear before me again, but give
19 me a couple days off.

20 Thank you. We're adjourned.

21 MR. DONOGHUE: Thank you, Your Honor.

22 MR. NAVARRO: Thank you, Your Honor.

23 MS. GELERT: Thank you.

24 THE COURT: Thank you, everyone. God bless.

25 (Matter adjourned.)

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